

EXHIBIT

31

Deposition of Margaret Kinch
Taken on January 5, 2009

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 GERALDINE LAUTURE,
4 Plaintiff, Civil No.
5 vs. CCB-08-943
6 ST. AGNES HOSPITAL,
7 Defendant.

8 _____/

9

10

11 Pursuant to Notice, the deposition of
12 MARGARET J. KINCH was taken on Monday, January
13 5th, 2009, commencing at 10:23 a.m., at the
14 offices of McGuireWoods, LLP, 7 St. Paul
15 Street, Suite 1000, Baltimore, Maryland 21202,
16 before Kathryn M. Benhoff, Notary Public.

17

18

19

20 Corbin & Hook Reporting, Inc.

21 Annapolis, MD 21401-9996

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 A P P E A R A N C E S

2 ON BEHALF OF THE PLAINTIFF:

3 FATAI A. SULEMAN, ESQUIRE

4 Amity, Kum & Suleman, PA

5 7474 Greenway Center Drive - Suite 650

6 Greenbelt, Maryland 20770

7 301-982-3434

8 ON BEHALF OF THE DEFENDANT:

9 ROBERT R. NICCOLINI, ESQUIRE

10 McGuireWoods, LLP

11 7 St. Paul Street - Suite 1000

12 Baltimore, Maryland 21202

13 410-659-4400

14 ALSO PRESENT:

15 Warren Bray, Videographer

16 Geraldine Lauture

17

18

19

20

21

Deposition of Margaret Kinch
Taken on January 5, 2009

1 cancer, and I'm on medical disability for some
2 surgeries.

3 Q. Well, we very much appreciate your time
4 today, Miss Kinch.

5 A. Thank you.

6 Q. Prior to going out on long-term
7 disability, what was your position at St. Agnes
8 Hospital?

9 A. I am the lead technologist or one of the
10 lead technologists for the microbiology laboratory.

11 Q. Okay. And when did you first become lead
12 technologist for the microbiology laboratory at
13 St. Agnes Hospital?

14 A. In June, the very end of June in 2005.

15 Q. And what were your job duties as lead
16 technologist in the microbiology department?

17 A. One of my main duties was to make sure
18 that the laboratory was going to pass its
19 accreditation inspection, to write procedures, to
20 hire people, to create processes for the functioning
21 of the microbiology department. I also had, there

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 manuals and that stuff, and you know, they are
2 available, and what we would also do, because you
3 don't want to get up and walk over to these manuals,
4 you would print it out and stick it where you were
5 working, you know, so it's readily available.

6 Q. Okay. Following February 2nd, 2006, did
7 Miss Lauture have some other clinical performance
8 issues?

9 A. Yes, there were several other issues.

10 Q. And did you write her up for those issues?

11 A. Again, yes, we documented and talked with
12 her about them.

13 Q. All right. Let me hand you what's marked
14 as Defendant's Exhibit 3, and I'll ask you if you
15 can identify that document.

16 A. This was a counseling report for Geraldine
17 dated February 7th, 2006, and at this point, we had
18 asked for suspension, and again, all of this had to
19 go down to HR to be reviewed, and they, they
20 actually make that decision, not us, and again,
21 there were several performance issues that had

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 refrigerator was actually working properly, so you
2 put the probe back in and again, it read, you know,
3 properly, but what Geraldine had done, she just
4 recorded it as 21, no documentation, not even
5 recognition that it was out of range, nothing.

6 So when I first became lead, the
7 recording of QC and what you do was very sloppy.
8 The techs just, you know, weren't doing it, and so
9 in meetings, we discussed this. You know, hey,
10 folks, we're going to be inspected. You need to do
11 this. It is a legal document, you know. You know,
12 if you see something wrong, you got to say what you
13 did and follow up on it, like if the refrigerator
14 was broken, you got to call maintenance or the
15 refrigerator guy to come up and fix it, so you know,
16 so the techs were well aware of that, and what we
17 ended up doing was, or what I ended up doing when I
18 reviewed the QC, I just started writing people up
19 and saying you failed to document, blah, blah, blah,
20 blah, blah, blah, blah, and it took about two
21 months, and people got on board, and we don't have

Deposition of Margaret Kinch
Taken on January 5, 2009

1 saying that this was incorrect, we regret that we
2 had sent this.

3 Q. Well, let me hand you what's marked as
4 Defendant's Exhibit 4.

5 A. Okay.

6 Q. And I'll ask you if you can identify that
7 document.

8 A. Yes, this is, this is what we wrote. It
9 was the amended document in reference to this
10 counseling report. We said we had correctly stated
11 the mishandling of the 56 degree water bath.
12 Adjustments caused the delay in performing this
13 test. That was wrong. In fact, the test that was
14 delayed was the cryptococcal antigen test. It was
15 totally different. Two different benches were doing
16 those. One was blood cultures for the meningitidis,
17 and the Cryptococcus was another tech, another
18 bench, immunology bench, so again, we apologized for
19 implying that she was involved with the safety issue
20 and -- but again, the issue still remained that she
21 did not do the proper documentation for the bath,

Deposition of Margaret Kinch
Taken on January 5, 2009

1 schedule and I wrote all these people up, gave it to
2 them, you know, and they came back and said I wasn't
3 working that day, and I thought okay, you know, and
4 so I have documentation of counseling for people
5 who, you know, had made mistakes, had not done their
6 QC, that kind of things.

7 There was -- because Human Resources
8 was kind of in chaos, too, and the counsel -- they
9 were reviewing and changing their policies on
10 counseling, because it used to be different as to
11 when you, when you went from verbal to written to,
12 to suspension. It was other steps, so I recommended
13 that we create a lab counseling form, too, and so we
14 did that as like an internal form that like here, it
15 was yes, you forgot to do something, but the
16 seriousness of what you did did not warrant a
17 hospital counseling report.

18 Q. And when, when was this? When did you
19 make that recommendation?

20 A. Oh. I, I don't know. Probably pretty
21 close to when I first became lead tech, and we used

Deposition of Margaret Kinch
Taken on January 5, 2009

1 A. Same -- I don't know with Ryan.

2 Q. How about Ryan?

3 A. Not that I can recall. Mainaki, yes.

4 Christina, yes.

5 Q. Okay. Just give me one second to write
6 this down.

7 A. I'm sorry.

8 Q. So your testimony is that you did write up
9 Miss Mainaki?

10 A. Yes.

11 Q. As far as you can recall --

12 A. As far as I can recall, and again, I don't
13 know how many times. This would have been for a lot
14 of QC documentation, not recording things. There
15 were people who actually had made, made errors, you
16 know, and it would be documented, like I know
17 offhand like with Debbye Sanchez, there were panic
18 values that were not called.

19 Q. Okay.

20 A. And more than one.

21 Q. All right.

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 counseling thing.

2 Q. Okay. Now, on these occasions that you
3 wrote up these employees that you mentioned,
4 Miss Weiger also signed along, too; is that correct?

5 A. Yes, I think so. Well, yes, I think so.

6 Q. Now, does -- now, with respect to
7 Miss Rutter, I almost missed her. Did you ever have
8 occasion to document any errors or mistakes by
9 Miss Rutter?

10 A. I, we did what I recall is mostly the
11 incidents with Geraldine and her, the personnel
12 stuff. I don't recall writing up any clinical error
13 with her. I don't recall. If I did, I did. I
14 don't recall it offhand. The main issue that I
15 recall with her were lack of attendance. She would,
16 you know, there were those issues that she did
17 not -- she'd call out. You know, she, in a 12-week
18 period, there would be problems with her calling
19 out. There was also issues with HIPAA violations.

20 Q. What?

21 A. HIPAA.

Deposition of Margaret Kinch
Taken on January 5, 2009

1 Q. Well, I'm talking about the period before
2 Miss Lauture left St. Agnes. Did you have any
3 occasion to document any errors by Miss Rutter apart
4 from what's just mentioned, apart from --

5 A. Not that I can recall.

6 Q. What about Miss Weiger? To the best of
7 your knowledge, do you know if she ever document any
8 errors by Miss Rutter?

9 A. I don't, don't know, no.

10 Q. I think this would be best time for us to
11 take a break.

12 VIDEOGRAPHER: We're now off the record at
13 12:35 p.m. This the end of tape one.

14 (Lunch recess.)

15 VIDEOGRAPHER: We're now back on the
16 record at 1:25 p.m. This is the beginning of
17 tape two. You may proceed.

18 BY MR. SULEMAN:

19 Q. Thank you. Now, Miss Kinch, you are
20 saying you remember the name of the --

21 A. Yes.

Deposition of Margaret Kinch
Taken on January 5, 2009

1 interpret the word Mexican stand-off to have racial
2 undertones?

3 MR. NICCOLINI: Objection.

4 A. I don't know what they would interpret.

5 Q. Okay.

6 A. You know, it certainly was not a
7 professional terminology, but I think when people
8 read it, they absolutely understood what was going
9 on.

10 Q. Well, strike that. Now, if you go, if you
11 go further on your Defendant Exhibit No. 1, you
12 stated that a code of conduct --

13 A. Yes.

14 Q. -- being violated --

15 A. Yes.

16 Q. -- is what?

17 A. Is what?

18 Q. Yeah. What, what code of conduct was Miss
19 Lauture --

20 A. There's a code of conduct for the
21 employees at St. Agnes, and there's quite a bit of

Deposition of Margaret Kinch
Taken on January 5, 2009

1 Q. So my question is you mentioned that she,
2 Miss Lauture called Miss Rutter a secretary --

3 A. Yes, she did that.

4 Q. -- in your presence. What was --

5 A. As to what date she did that and how often
6 she did that, I could only testify to the time when
7 I heard her actually say that.

8 Q. Okay. Now --

9 A. And what date that was, I could not say.

10 Q. Okay. So I go back to my question again.

11 A. How did she treat her with disrespect?

12 Q. Exactly, before this, before the date of
13 this exhibit.

14 A. Okay. She treated her with disrespect by
15 the two of them not getting along, not talking to
16 each other, not answering questions, accusing her of
17 not doing her job. She would come to me and say
18 that Geraldine, she'd say she's supposed to answer
19 the phone. I told her to do something ten minutes
20 ago, and it's still not done. Okay, except that
21 Geraldine is not her boss. They are co-workers.

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 same thing. All I did was on the top, I put
2 Stephanie Rutter and changed wherever Stephanie was
3 to Geraldine and wherever Geraldine was was to
4 Stephanie. It was exact -- because it was an
5 argument or whatever it was, it was between the two
6 of them. If I may be allowed to expound a little
7 bit, I asked --

8 Q. Well, ma'am, there is no question pending.
9 Wait for the question --

10 A. Okay.

11 Q. -- and then you may answer. Now, I need
12 to be specific. Do you at any time receive any
13 complaint from Miss Lauture against Miss Rutter?

14 A. Yes.

15 Q. Okay. What was the first complaint that
16 you received from Miss Lauture against Miss Rutter?

17 A. Oh, I couldn't say what the first one was,
18 but she came to me several times complaining
19 Stephanie did not answer the phone, Steph -- I told
20 her to do something. Stephanie didn't do it. It's
21 been ten minutes. Both of them would come and they

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 A. Yes. That's what they, that's what the
2 people from HR told us, and, and this is when they
3 also told us the -- this part changed. It used to
4 be a verbal warning, a written warning, a second
5 warning, a third warning and a suspension. They
6 changed that, also. It wasn't -- I think it goes on
7 later on, you can see here, it's on No. 2 --

8 Q. Are you referring to, what exhibit number
9 are you referring to?

10 A. Exhibit No. 2.

11 Q. No. 2?

12 A. Okay.

13 MR. NICCOLINI: Defendant's Exhibit 2.

14 Q. Defendant Exhibit No. 2.

15 A. You can see right on the bottom, they've
16 already changed it by February. It's a verbal, a
17 written, a suspension, a termination. On the first
18 one when we did this in January, there were more
19 written chances. You see chances?

20 Q. Okay.

21 A. Okay? So this was part of the meeting

Deposition of Margaret Kinch
Taken on January 5, 2009

1 thing was done either the day before because I
2 wouldn't have kept it. I would have, you know,
3 typed it and talked to her like the next day or if
4 she was not there, you know, the next day when she
5 came in, but all of these reports had to go to HR.
6 They made the decision as to what the outcome or
7 consequence were, not us. If we had asked to have
8 somebody suspended and they didn't agree to that,
9 they did not get suspended. It was based on HR's
10 decision as to what happened, so as to when all of
11 this was typed up, I could not say. I'd have to go
12 back to my computer to see, you know, when the file
13 was made.

14 Q. See, that is, that is my precise concerns,
15 my concern, Miss Kinch, because you had entries in
16 Defendant Exhibit No. 2 --

17 A. Uh-huh.

18 Q. -- for incidents that happened as early as
19 January 2nd of '06?

20 A. Yeah.

21 Q. So I guess my question to you is this,

Deposition of Margaret Kinch
Taken on January 5, 2009

1 different occasions?

2 A. Oh, yes, it would have been typed up all
3 at once, and it would have been obviously after
4 January 23rd because that's the date that, you know,
5 is on there. You know, it's bing, bing, bing, bing,
6 bing. Then after that, it would have gone down to
7 HR --

8 Q. Okay.

9 A. -- to look at it for their decision as to
10 what to do.

11 Q. Okay. So going through Defendant Exhibit
12 No. 2, you, you wrote about an incident on January
13 2nd of 2006. What was the clinical error that was
14 involved in that incident?

15 A. That clinical error was that when she
16 inoculated plates and made the smear from a spinal
17 fluid, she used the supernatant after spinning it
18 down, so you have a fluid that has many white cells
19 in it and bacteria. She puts it in the centrifuge.
20 She spins it. All of that goes to the bottom of the
21 tube. What she used to make the slide and to

Deposition of Margaret Kinch
Taken on January 5, 2009

1 inoculate the plates was the top of the fluid. She
2 had questions herself and came -- I would not have
3 known this had she not asked me, okay. She came
4 because she thought there were two different types
5 of bacteria, which is unusual, but it could be, and
6 then when I saw the slide and said, you know, where
7 are all the white cells, because this lady had
8 greater than 8000 white cells. It should have been
9 loaded, okay, so that was the error, that she had
10 not set up the specimen properly, not made the smear
11 properly, and had she reported it out, it would have
12 been inaccurate.

13 Q. Okay. So it was Miss Lauture herself who
14 came to ask you about that --

15 A. Because of the --

16 Q. -- incident?

17 A. -- of the, of the two different bacteria,
18 yes.

19 Q. Okay, fine. And then the incident of
20 January 23 of 2006, as you indicated on Defendant
21 Exhibit No. 2?

Deposition of Margaret Kinch
Taken on January 5, 2009

1 tell that it's her, not somebody else, based on the
2 time that these were accessioned and came in.

3 Q. Okay.

4 A. Okay?

5 Q. Did you talk to Miss Lauture as to the
6 issue of that specimen being left under that hood?
7 Did you talk to her about it, No. 7 on Exhibit
8 No. 2?

9 A. If I did, I don't know. I probably did.
10 I don't have documentation if I talked to her. Did
11 I talk to you? I don't know.

12 Q. Okay. All right. No. 8 --

13 A. Uh-huh.

14 Q. -- on Defendant Exhibit No. 2. What was
15 the clinical error that was involved in that
16 incident?

17 A. This was not recording the eye wash check
18 for January. We have two different eye washes in
19 case somebody gets something in their eye, and
20 you're required to squish the, you know, to let the
21 water run through them each day, and you check off

Deposition of Margaret Kynch
Taken on January 5, 2009

1 that you did this. This is a duty that's assigned
2 to the planter bench to check this off. She --
3 there was no chart, and she blamed Stephanie for not
4 putting up a chart. I asked her when were you going
5 to let me know, you know, it's been weeks. I review
6 my QC monthly, and I was upset, also, like why do
7 you not know where the charts are kept. You've been
8 working here, you know, in the evening shift, too.
9 Everything's over, you know, it's all labeled with
10 all the manuals and everything, you know, QC charts,
11 all of that is there.

12 So then she asked me well, should I
13 fill it in, and I said did you actually do the
14 checks. She said yes. I said well, then you should
15 fill it in that you actually did them. That, I
16 should not have let her do that. The reason for
17 that is it's backdating even though she -- I
18 believed her. I believe she did do that. What I
19 should have done was document on the QC chart no
20 recording.

21 Q. So did St. Agnes, did they get to know

Deposition of Margaret Kinch
Taken on January 5, 2009

1 that you instructed to Miss Lauture about that?

2 A. Yes, they did know that.

3 Q. Okay.

4 A. I talked with -- apparently, Geraldine had
5 talked with a woman named Sherry Bubendorf to I
6 guess discuss issues of discrimination, or I don't
7 know whatever, but Sherry talked with me, and I
8 talked to her about that, yes.

9 Q. So was it proper procedure for you to
10 instruct Miss Lauture to backdate the report?

11 A. No, it was not.

12 Q. Were you disciplined for that?

13 A. No, I was not.

14 Q. Okay. And Miss Lauture told you that
15 Stephanie, Miss Rutter failed to put up the chart?

16 A. It's not her duty to do that. Anybody
17 could have put up the chart.

18 Q. Okay.

19 A. If you're doing something and you're going
20 to go record it and you don't have a chart, you go
21 get one.

Deposition of Margaret Kinch
Taken on January 5, 2009

1 A. Uh-huh.

2 Q. -- in both of those exhibit?

3 A. Yes.

4 Q. And I'm telling you that the 56 degree
5 bath issue that you mention in Defendant Exhibit
6 No. 3 --

7 A. One, one of the reasons why it may not
8 have been done, I review the QC monthly, and it
9 depends on when I reviewed it. I may not have
10 reviewed it by the 2nd. It's back, you know, like
11 if it's the beginning of the month, I go back and
12 do, you know, the month, so it depends on when I
13 would have looked at it.

14 Q. Okay.

15 A. I'm guessing that may be why it wasn't
16 mentioned. I'm not sure.

17 Q. Okay. Now, also, looking at Defendant
18 Exhibit No. 3, you stated that you informed
19 pathology about the meningitis scare?

20 A. Yes.

21 Q. Who did you inform at pathology? Who did

Deposition of Margaret Kinch
Taken on January 5, 2009

1 unionized environment, as to whether or not
2 there's any legal basis of requiring some sort
3 of progressive discipline, that's well beyond
4 the scope of this witness' ability to answer,
5 so I'm going to object.

6 Q. Well, I'm going to ask you this, then.
7 Are you familiar with the disciplinary process of
8 St. Agnes?

9 A. I know they have a policy. I'd have to
10 review it again, and again, I believe that the
11 policy states depending on what the person does, it
12 can go immediately, just not even a warning, just to
13 being fired. Like let's say you were stealing from
14 them or something, you know, they just, you know.

15 Q. And did you, did you make the
16 recommendation for Miss Lauture to be suspended?

17 A. No, we did not.

18 Q. You did not recommend --

19 A. No.

20 Q. -- HR for suspending?

21 A. No, because, and again, because we were

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 Q. Well, they are the same. If you read, if
2 you read Plaintiff Exhibit No. 1, it also contains
3 complaints of racial discrimination in that, so if
4 that the way you want to take it --

5 MR. NICCOLINI: And that's, that's why I'm
6 objecting because I --

7 Q. I take it down if that's what you want us
8 to do.

9 A. Well, as far as I know, Geraldine did not
10 make a complaint about anything that I had done to
11 her or not done to her to Human Resources aside from
12 receiving this letter, and that's when I discovered
13 that we had made the mistake, and then again, I
14 don't know later on that she did file a complaint
15 for discrimination, and I don't know when that was.
16 We met with the hospital lawyer, and then
17 subsequently, we met with the lady from the
18 Baltimore EEOC.

19 Q. Okay.

20 A. Am I answering --

21 Q. That's fine, so let me just try and break

Deposition of Margaret Kinch
Taken on January 5, 2009

1 it down so we don't get confused here. For the
2 period of time when Miss Lauture was still working
3 at St. Agnes, did anybody from HR came to you and
4 told you that we have a complaint against you for
5 discrimination from Miss Lauture?

6 MR. NICCOLINI: Objection.

7 Q. Okay. Answer the question. Did
8 anybody --

9 A. No.

10 Q. -- from HR came to you and tell you that
11 we have a complaint against you from Miss Lauture?

12 A. Sherry Bubendorf called me when Geraldine
13 had talked with her. She didn't say anything about
14 discrimination as I recall. She asked about the,
15 the chart, the eye wash chart. She asked other
16 questions. I talked to her. I guess there were
17 some other people in the room. Maybe Geraldine was
18 there, too. I don't know. Asked some more
19 questions. Again, I don't know what about, but I do
20 remember about, you know, the chart, and I said yes,
21 that was a mistake on my part. I should not have

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 conversation.

2 Q. Do you recall if it was before or after
3 Miss Lauture's suspension?

4 A. No, I don't.

5 Q. So for the period of time when
6 Miss Lauture was with St. Agnes, nobody talked to
7 you about any complaint from Miss Lauture --

8 MR. NICCOLINI: Objection.

9 Q. -- about the discrimination?

10 MR. NICCOLINI: Objection. Answer to the
11 best of your ability.

12 A. The only time that I talked with anybody
13 about discrimination that she had made that
14 complaint was from the lawyer, from the hospital
15 lawyer, Melissa Surrey (phonetic).

16 Q. But that was after she left?

17 A. Right.

18 Q. I'm trying to, you know, restrict the time
19 frame here. I'm talking about during the time of
20 Miss Lauture's employment with St. Agnes. Let's
21 limit it to that time period first.

Deposition of Margaret Kinch
Taken on January 5, 2009

1 A. Right. Not that I know of. I mean, I
2 talked with Sherry. I know she was the diversity
3 lady, I think.

4 Q. Uh-huh.

5 A. And again, all I recall of that
6 conversation was about the chart.

7 Q. Okay. Now, after Miss Lauture left
8 St. Agnes, did anybody come to tell you that she's
9 filing charge of discrimination against you?

10 A. Against me myself?

11 Q. Yes.

12 A. No.

13 Q. Okay. Do you recall talking to a lady
14 name Miss Monica Wilson with the office of -- am I
15 right?

16 MR. NICCOLINI: Excuse me?

17 Q. Miss Monica Wilson.

18 A. I spoke with somebody from Baltimore. I
19 don't remember her name.

20 Q. Okay. Did you have any interview with
21 anybody from the EEOC office --

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 MR. NICCOLINI: Objection.

2 Q. That would surprise you?

3 A. Yes.

4 Q. Why would that surprise you?

5 A. Because I'm not, and I was not party to
6 any conclusion as to that meeting or decision. That
7 would greatly, greatly surprise me.

8 Q. Okay. And did you tell Miss Monica Wilson
9 of the efforts of Human Right in Baltimore that
10 Miss Sally Ondiek who provided an earlier evaluation
11 for Miss Lauture that she was not, that Miss Ondiek
12 was not qualified, either?

13 A. Miss Ondiek was not qualified?

14 Q. Yeah. Did you tell Miss Monica Wilson
15 that?

16 A. That Sally was not qualified?

17 Q. Uh-huh.

18 A. I don't think so. I mean, not that I
19 recall. She was my supervisor for several years.

20 Q. Okay. And did you also tell Miss Monica
21 Wilson that you never would have hired Miss Lauture

Deposition of Margaret Kinch
Taken on January 5, 2009

1 in the first place?

2 A. Me?

3 Q. Yeah. Did you tell Miss Wilson that?

4 A. Oh, I don't know if I did that or not.

5 Looking back on it, I don't think I would have hired
6 her.

7 Q. But you did testify today --

8 A. I would testify today that --

9 Q. -- that Miss Lauture is not qualified;
10 isn't that --

11 A. That's correct.

12 Q. Okay. Did you know she has a degree in
13 medical technology, an associate degree? Did you
14 know that?

15 A. She has an associate degree, yes, sir.

16 Q. And yet it is your conclusion she's not
17 qualified?

18 A. That's correct.

19 Q. Okay. Now, are you familiar with
20 St. Agnes procedure or policy regarding resignation
21 by employees?

Deposition of Margaret Kinch
Taken on January 5, 2009

1 Q. And you checked that box, termination?

2 A. Right. She no longer works there. I did
3 not terminate her. She resigned.

4 Q. For the time that you became a lead tech,
5 have you ever attended any training or seminar on
6 anti-discrimination for St. Agnes?

7 A. I don't know if they have that. I
8 don't --

9 Q. Ma'am, I said did you ever attend any
10 training seminar for supervisors?

11 A. I -- not like a formal conference, but we
12 have things that we have to do each year as part of
13 our jobs to go through discrimination. I think
14 there's like a little course on line type of a
15 thing. I have to do that.

16 Q. Okay.

17 A. But as far as like, you know, going to
18 someplace like an all day thing, no.

19 Q. So can you tell me which one did you do?

20 A. I would have done things on line. They --

21 Q. Like what?

Deposition of Margaret Kinch
Taken on January 5, 2009

1 HR that was there or somebody else was there?

2 A. No, Colleen, also.

3 Q. Okay. Colleen was there?

4 A. And Colleen kind of led that meeting.

5 Q. Okay. And Jo Oliver was there, also?

6 A. Yes, as I recall.

7 Q. As well as Miss Weiger?

8 A. Yes.

9 Q. So apart from Miss Lauture and

10 Miss Rutter, only one, two, three, five other people
11 were there; is that correct?

12 A. Well, Aimee, Colleen, me, Jane, Jo. Yeah,
13 seven all together.

14 Q. Okay. And Miss Ringgold, what is, what is
15 her color? Is she white, or is she black?

16 A. She's black.

17 Q. Okay. And Colleen?

18 A. White.

19 Q. And Jo Oliver?

20 A. White.

21 MR. NICCOLINI: White.

Deposition of Margaret Kinch
Taken on January 5, 2009

1 A. I don't know if Sally was or not. She was
2 packing things up, but she was, her access to things
3 in the computer was just like oop, can't do that
4 one, oop, can't do that one, you know, bing, bing,
5 bing. I do know that Debbye Sanchez was escorted
6 out of the building.

7 Q. Okay. Did Debbye Sanchez, did she resign
8 or was she --

9 A. She was terminated.

10 Q. Okay. But Miss Ondiek, she resigned, and
11 according to you, her resignation was turned to
12 termination, right?

13 A. No, it was -- no, no, she resigned --

14 Q. Okay.

15 A. -- and gave her notice, and the next day,
16 she had a meeting with us saying that she had turned
17 in her resignation, and then later that day, she had
18 been in HR and they just said effective now instead
19 of three weeks.

20 Q. Okay.

21 A. Now, whether or not she was escorted

Deposition of Margaret Kinch
Taken on January 5, 2009

1 also make the decision is there a pathogen there, is
2 there something significant, or is it normal.

3 They perform and process the AFB
4 specimens, acid fast specimens. They would stain
5 and read the acid fast smears. That's not done on
6 the evening shift. Same with the PCP or the
7 Legionella smears. Those were all -- again, if the
8 specimen came in, the evening person would put the
9 specimen in, like in a bucket in a place, and then
10 around 10:30, eleven o'clock, the day shift person
11 would get all of those and then process them.

12 All of the fungal cultures are read
13 during the day shift. All of the acid fast cultures
14 and tubes in media are read during the day shift.
15 We also did all the hepatitis testing, the HIV
16 testing. Chlamydia and GC testing were all done
17 during the day shift. The primary duties, you know,
18 depending on how the micro labs are and how big they
19 are, generally in the evening is primarily plating,
20 reading the smear, doing stat type work.

21 Q. Okay. So according to your testimony,

Deposition of Margaret Kinch
Taken on January 5, 2009

1 then, Miss Lauture coming from the evening shift to
2 the day shift would not be familiar with this day --

3 A. Correct.

4 Q. -- day shift tasks?

5 A. Correct, and that we would have to train
6 her, and since we had more people there, plus, you
7 know, she could be there and she'd have people to go
8 to to ask. On the evening shift, it was just her.
9 She didn't have, you know, somebody immediately
10 there to ask. She could call us on the phone, you
11 know, but you know, right, there was nobody else
12 there. It was just her and, and all.

13 Q. Okay. Now, did you also know to the best
14 of your knowledge that there was a time when
15 Miss Lauture was asked to train other employees?

16 A. Yes.

17 Q. Okay. Is that true or not?

18 A. Yes, that's true.

19 Q. Okay. And who are the employees that were
20 trained by Miss Lauture?

21 A. Employees that, what she did was we had --

*Deposition of Margaret Kinch
Taken on January 5, 2009*

1 A. She would sign off on the training
2 checklist, yes, she did do that. Ben lost his
3 several times.

4 Q. Okay. Do you know who those employees
5 were?

6 A. Pardon?

7 Q. Those employees that were trained --

8 A. It was Ben Roberts and Oye Oyebode, and
9 when I looked at the deposition and stuff, I looked
10 at his, the training checklist because I said wait a
11 minute, no, they were trained during the day, not
12 during the evening, and I said but, I said Ben kept
13 losing his checklist, and I think we printed out at
14 least three different ones, so Geraldine would check
15 off yes, he can do these things, but as far as
16 actually training him to do them, it was more of
17 like yes, you can do it, not training them, and I
18 think in Oye's case, I don't think she trained him
19 at all or checked off any of the stuff.

20 Q. Does Ben Roberts still work for St. Agnes?

21 A. Yes, they both do.